

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN DEREK MURPHY,
Petitioner

v.

MICHAEL A. THOMPSON,
MCI SHIRLEY, SUPERINTENDENT
Respondent

2005 MAY 17 4 10 59
CIVIL ACTION
NO. 05-10548-JLT
FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

**PETITIONER'S ASSENTED-TO MOTION FOR
PERMISSION TO FILE MEMORANDUM IN SUPPORT
OF PETITION BY JUNE 23, 2005**

Now comes the petitioner in the above-entitled actions and respectfully moves this Honorable Court for permission to continue his filing date for his memorandum in support of his petition for a writ of habeas corpus from May 20th to June 23, 2005. As grounds therefore, undersigned counsel for the petitioner states that she has been unable to finish researching and writing the memorandum as planned because of her work schedule this month. In addition to writing and filing another brief and a sentencing memorandum for two other clients, counsel is responsible for planning a national conference to be held June 13th and 14th in Boston by the Victim Rights Law Center, a DOJ trainer for other federal grantees across the country.

When the undersigned counsel initially requested the May 20, 2005 date for filing the petitioner's memorandum, she believed she would be able to take a block of time outside of the conference planning to complete the memorandum. The conference has taken much more time than anticipated, and in addition counsel was out sick for the last 7 days and unable to do any work. While the undersigned counsel has represented the petitioner in his state appeal for the last three years and is very familiar with the issues to be raised in the memorandum, she does not want to file either an incomplete, or not adequately prepared, memorandum with the Court because of problems with her work schedule this month.

For this reason counsel is asking for a June 23rd date for filing which will give her a block of nine days after the conference within which to complete the memorandum on

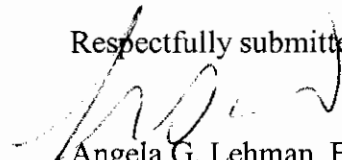
behalf of the petitioner.

Pursuant to LR 7.1(A)(2) counsel for the petitioner certifies he resolved the above matter with Assistant Attorney General Maura McLaughlin, who has assented to this motion.

CONCLUSION

For all the foregoing reasons, the Court should grant the petitioners motion.

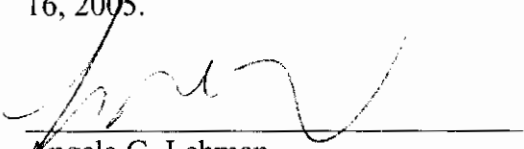
Respectfully submitted,



Angela G. Lehman, BBO #567411
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Boston, MA 02108
617-399-6720

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the within Assented-to Motion to AAG Maura McLaughlin, Criminal Bureau, One Ashburton Place, Boston, MA 02108 on May 16, 2005.



Angela G. Lehman